

**16-1435 MINNESOTA VOTERS ALLIANCE V. MANSKY**

DECISION BELOW: 849 F3d 749

LOWER COURT CASE NUMBER: 15-1682, 15-1741

**QUESTION PRESENTED:**

Minnesota election law forbids voters from wearing political badges, political buttons, or other political insignia at the polling place. See Minn. Stat. § 211B.11. The ban broadly prohibits any material "designed to influence and impact voting," or "promoting a group with recognizable political views," even when the apparel makes no reference to any issue or candidate on the ballot.

The Eighth Circuit, aligned with the Fifth and D.C. Circuits, invoked *Burson v. Freeman*, 504 U.S. 191 (1992), to hold that a state can impose a "speechfree zone" without infringing on the Free Speech Clause of the First Amendment. There is deep tension between those decisions and the reasoning in decisions of the Fourth and Seventh Circuits, which hold that the First Amendment does not allow a state to prohibit all political speech.

The question presented is: Is Minnesota Statute Section 211B.11, which broadly bans all political apparel at the polling place, facially overbroad under the First Amendment?

CERT. GRANTED 11/13/2017